

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

August 6, 2013

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by Taylor Conard at 7:30 p.m. On roll call the following members are present: Taylor Conard, Michelle Granger, Kevin Veitch, Joseph Szpak and Denise Eskoff, Alternate. Paul Lunde is absent.

July 2, 2013 MINUTES

MOTION: M. Granger

SECOND: J. Szpak

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of July 2, 2013, as submitted

VOTE: Ayes: Eskoff, Granger, Szpak, Veitch

Noes: None

Absent: Lunde

Abstain: Conard

NEW BUSINESS

MICHAEL RAYBURN – Temporary Use Variance

NYS Route 9N

Michael Rayburn is present. T. Conard reviews that the applicant would like a temporary use variance to live in an existing mobile home on the property while he builds a house. There are currently three mobile homes located on the property. T. Conard questions that the other two mobile homes are going to be removed. M. Rayburn confirms this. D. Eskoff asks about the removal of the third mobile home. M. Rayburn states that it will also be removed, as soon as possible. T. Conard explains that generally when we grant a temporary use variance we require that the mobile home be removed within thirty days of the Certificate of Occupancy. K. Veitch states that it is noted on the plot plan.

RESOLUTION – Michael Rayburn

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Michael Rayburn for a Temporary Use Variance for property located at 965 NYS Route 9N, TM# 151.-2-22, as complete and schedules a public hearing for September 3, 2013 at 7:30 p.m.

VOTE: Ayes: Conard, Eskoff, Granger, Szpak, Veitch

Noes: None

Absent: Lunde

OLD BUSINESS

BALLSTON MOURNINGKILL ASSOC. LLC – Case#915, Area Variance

Maple Avenue

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Eric Carlson is present for this application. T. Conard opens a public hearing at 7:33 p.m. There being no public comments, this public hearing is closed. T. Conard explains that the applicant would like to join 3 properties together, build a 5000 square foot office building and 4 duplex residential units, 8 dwelling units. He states that there may be a need for a buffer variance. R. Rowland explains that G. McKenna is not sure of how much vegetative buffer is between the subject property and the residence to the north. It is not indicated on the plot plan. E. Carlson states that he believes that he can meet the 20' with the office and the residential and he can create it if there isn't enough. D. Eskoff asks if the driveway is going to stay where it was originally proposed. E. Carlson states that he is going to move it to the southern side and provides a copy of a new plan. M. Granger states that one of her concerns is the density of this project. She understands what the applicant is trying to accomplish in terms of utilizing the property in its entirety and also provide reasonably priced duplex rentals for individuals here. She comments on the concerns raised by the Planning Board for the private water and septic systems that are needed, as well as the buffers and some of the parking. She reiterates that she is concerned about the density overall when everything is combined with that project. E. Carlson states that he has reversed the drawing and put the driveway on the commercial side, to the south. He states that compared to most of the properties that are on Maple Avenue, most of the uses on that street are on much smaller lots, sometimes as small as 1/3 of an acre. He thinks that he has done very well keeping a lot of greenspace there. The density might seem high, generally, but not in that area. The buildings and parking lots seem to take up most of the lots in that area. He thinks that he is providing more green space than most people are. K. Veitch states that the density is usually addressed by the Planning Board. M. Granger states that the ZBA has to give a variance according to G. McKenna's notes for each of these proposals. We are directly looking at the variance needed to allow the project, as proposed, to look forward. The fine tuning in terms of how the buffer is to be accomplished, the parking spaces, lighting, etc., is going to be before the Planning Board, but the general project as proposed and the variances that it is going to require are going to have to come from this Board before it can go to the next step at the Planning Board. K. Veitch states that by setting the variance, we are almost creating the boundaries that the Planning Board has to work in. He would almost like to see it the other way, the Planning Board give their comments and suggestions, and then it comes to the ZBA to make the variances on the buffer. T. Conard states that the ZBA has to give the variances before the Planning Board can do anything. What they could do is offer an advisory opinion. They did have some concerns with the buffer, if the septic system won't fit in there they are not going to allow it anyway. E. Carlson states that he can meet the buffers. He reiterates that there is more green space per building there than there is on most of the properties in that area. M. Granger states that is true, but how many of those have been there for a long period of time. T. Conard states many for a long time. M. Granger states that she has been here for almost 7 years and during that time there has not been a lot before this Board. T. Conard states that the ZBA has seen some fairly large projects. The dentist was one. E. Carlson states that the bank is all building and parking lot. He thinks this will be a very nice use. K. Veitch asks what is being built now on Maple Avenue. R. Rowland states that J. Dorsey is constructing a building that is going to be taken up mostly by a pre-school. K. Veitch states that, from the impact to the neighborhood, this seems almost to be the trend. They are taking out these old structures and redesigning Route 9. E. Carlson states that he thinks that the few buildings that have been built in the recent past have greatly improved. The newer buildings look great. J. Szpak states that this is a tough one for him also. He has the same kinds of concerns as M. Granger. He states that it does look like an efficient and needed use of the space. He would be concerned if every lot was like this. D. Eskoff states that Wilton affects so much of that area, it has changed so dramatically with condo after condo, that the character of the whole area has changed anyway. No matter what Greenfield does. K. Veitch states that it is evolving. He remembers that Route 9 was considered the thoroughfare to Canada before the Northway and all you had were these single-family homes and cabins in the back. It is no longer that anymore. It is going through an evolution. D. Eskoff states that in some ways it comes down to, do we want to fit into the same profile that Wilton has gone, or do we want to carry our own view of what our plan is and how it affects that small strip area that Greenfield owns? K. Veitch questions what our Master Plan says. E. Carlson states that the master plan has it as a mixed use area. K. Veitch states that you have to look at the master plan and whether this fits with that. J. Szpak states that for him it is not clear either way. D. Eskoff states that if you take the three lots that he is combining, there is a minimum of one house on each lot if it were residential, so three residences. We are looking at adding 4 residences and a commercial. K. Veitch questions Hudson Avenue, behind these

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properties. E. Carlson explains that that is a National Grid easement back there and there is no way that road would ever continue. D. Eskoff states that we are looking at two large buildings. She questions that the duplexes are actually one large building. E. Carlson states that is correct. M. Granger states that we do have a trend here and one thing she would say, because she does have a concern about the density, is that if this Board decides to grant these variances, that there are no further variances granted. She would not want the applicant to come back and say that he can't make the buffers, for example, and now needs a variance for that. We have had this happen before. She states that it is not a good situation to be put in. E. Carlson states that he understands that and would take it as a condition of the approval. He states that he has done quite a bit of homework on this before purchasing it and after, and he understands. He has spoken to the DOH, he has spoken to DEC about the septic system – not to say that nothing could happen, but he is willing to take it as a condition and if something pops up that he was not aware of, he will change his plans. M. Granger states that in the latest Planning Board minutes that the ZBA has received, the buffer issue has been raised as well as the private water and septic systems that will be required. E. Carlson states that the buffer issue is because he handed them a plan with 10' buffers on each side. He has changed that. M. Granger states that is the exact type of thing she does not want to see someone come back with. T. Conard states that the applicant needs two 1.16-acre area variances. J. Szpak states that he believes that this is substantial, but when you weigh it against the other positives – it is needed, it is very well laid out. He does have the view that it will probably improve the character of the neighborhood. He thinks that it is a balance decision. M. Granger states that part of it for her is that the applicant is putting in those duplexes and hopefully it will be able to reach a segment of the population here who can afford to rent at that lower cost. She thinks that is critical for our community. E. Carlson states that he built 54 of these apartments in Rotterdam and they rented in 40 days. They are \$895 a month and are very nice units. T. Conard asks the number of bedrooms these will have. E. Carlson states they will be 1 bedroom. He states that in Rotterdam they have a mixture of one and two bedrooms and the one bedrooms rented first. With an office in front, you really don't want kids mixed with a commercial space.

RESOLUTION – Ballston Mourningkill Assoc. LLC

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals grants the application of Ballston Mourningkill Associates LLC for area variances for property located at 464 Maple Avenue, TM# 153.13-1-13.1, 464 Maple Avenue Rear, TM#153.13-1-35 and 466 Maple Avenue, TM#153.13-1-13.2, as follows:

- **“Building A” – the four duplex, residential units – 1.16 acre area variance**
- **“Building B” – the commercial space – 1.16 acre area variance**

This approval is based on the following:

- **Although the request is substantial, it is consistent with the surrounding neighborhood and character of nearby properties**
- **This will be an improvement to the lots because three lots will be combined into one and it will offer a much needed option for residents of this community, hopefully with a lower rent available to them**
- **It will not have adverse physical or environmental effects**

This approval is contingent upon:

- **No further variances will be granted with this project. If there are any changes that need to be made, that the applicant has agreed to make any changes necessary to conform to any other zoning codes or regulations that may come into play based upon what the Planning Board requires, including the buffers**

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VOTE: Ayes: Conard, Granger, Eskoff, Szpak, Veitch
Noes: None
Absent: Lunde

MICHELLE LEWIS – Case#916, Area Variance

Wilton Road

Michelle Lewis is present. A public hearing is opened at 7:53 p.m. and closed with no public comments. T. Conard reviews that the applicant would like to have an in-law apartment. There is not going to be any change to the outside, basically, of the property. They are using an existing garage. The applicant needs a 4.99 acre area variance and a 20.25' road frontage variance. M. Lewis states that there is an existing woodshed that is going to be incorporated into the apartment. M. Granger states that because we are not changing anything or adding a structure, even though the request is substantial, the applicant is working within the existing footprint, it is not going to have a negative impact in terms of the surrounding neighborhood. K. Veitch states that it is a unique property unto itself. This type of substantial variance really has no negative impact and quite, honestly, it serves the community.

RESOLUTION – Michelle Lewis, Area Variance

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals grants the application of Michelle Lewis for an area variance for property located at 69 Wilton Road, TM#138.-2-60.1, as follows:

- **4.99 acre area variance**
- **20.25' lot frontage variance**

This variance is based on:

- **This is a pre-existing footprint that will not be changed or altered to accommodate this use**
- **There will be no undesirable change to the neighborhood character or to nearby properties**
- **Although the request is substantial, because this is a unique situation in which we are looking at an attached garage that will simply be retrofitted for use for an in-law apartment, it is reasonable under this set of circumstances**
- **No other options available to the applicant at this time**
- **There will be no adverse physical or environmental impacts**

VOTE: Ayes: Conard, Granger, Eskoff, Szpak, Veitch
Noes: None
Absent: Lunde

Meeting adjourned 7:57 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary